



# South Dakota Board of Examiners for Speech-Language Pathology

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## **Revised Draft-Video Conference** **BOARD MEETING AGENDA**

TO: All Board Members  
FROM: Carol Tellinghuisen  
DATE: April 30, 2023  
MEETING DATE: May 4, 2023  
LOCATION: Video Conference

**The public is invited to attend the meeting via Microsoft Teams at the following link:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZWI4YmYxYjgtNzVjYi00ODhiLWEyMWQtNjQzYjZkZnZlNzE1NGE5%40thread.v2/0?context=%7b%22Tid%22%3a%22e69efb98-56ef-4797-a76b-e1ec658a639c%22%2c%22Oid%22%3a%22ee0a24e7-6d2c-4495-ade5-4377098865d2%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZWI4YmYxYjgtNzVjYi00ODhiLWEyMWQtNjQzYjZkZnZlNzE1NGE5%40thread.v2/0?context=%7b%22Tid%22%3a%22e69efb98-56ef-4797-a76b-e1ec658a639c%22%2c%22Oid%22%3a%22ee0a24e7-6d2c-4495-ade5-4377098865d2%22%7d)

**If members of the public would like to be sent the Microsoft Teams invitation to the meeting instead of using the above link, please contact the Board office prior to the meeting at [office@sdlicensing.com](mailto:office@sdlicensing.com).**

MEETING TIME: 11:00AM MDT / 12:00PM CDT

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### **Agenda Item Number**

1. Call to Order/Welcome
2. Roll Call
3. Corrections or Additions to the Agenda
4. Approval of the Agenda
5. Public Comment at 12:05 p.m. CDT

6. Administrative Rules- SLPA Supervision Discussion
7. Adjourn

## ARTICLE 20:79

### SPEECH-LANGUAGE PATHOLOGISTS

Chapter	
20:79:01	Qualifications and application for licensure.
20:79:02	License expiration and requirements for renewal of licensure.
20:79:03	Delivery of telepractice.
20:79:04	Speech-language pathology assistants.
20:79:05	Procedure for suspension and revocation of licensure.
20:79:06	Schedule of disciplinary actions.

#### CHAPTER 20:79:01

#### QUALIFICATIONS AND APPLICATION FOR LICENSURE

Section	
20:79:01:01	Definitions.
20:79:01:02	Application forms.
20:79:01:03	Information required. <u>Repeal.</u>
20:79:01:04	Notarization of application and transcripts.
20:79:01:05	Fees. <u>Repeal.</u>
20:79:01:06	Fee schedule for applications.
20:79:01:07	Fee schedule for licensure.
20:79:01:08	No reimbursement before expiration of license. <u>Repeal.</u>
20:79:01:09	No refund for license or application fee.
20:79:01:10	Certificates. <u>Repeal.</u>
20:79:01:11	Application disposition.
20:79:01:12	Verification of licensure for the public. <u>Repeal.</u>
20:79:01:13	Restrictions on a limited license to practice speech-language pathology.
20:79:01:14	Term for a provisional license to practice speech-language pathology.
20:79:01:15	<u>Mentorship of speech-language provisional licensees.</u>

**20:79:01:01. Definitions.** Terms ~~used in these rules mean~~ defined in SDCL 36-37 have the same meaning in this chapter. In addition:

(1) "American Speech-Language-Hearing Association," (ASHA) the professional, scientific, and credentialing association for members and affiliates who are audiologists, speech-language pathologists, and speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.

(2) ~~"Board," the South Dakota Board of Examiners for Speech-Language Pathology;~~

(3) "Direct supervision," ~~on-site;~~ in-view observation and guidance including live video conferencing and guidance by a speech-language pathologist while an assigned activity is performed by an assistant. This can include the supervising speech-language pathologist viewing and communicating with the speech-language pathology assistant via telecommunication technology as the speech-language pathology assistant provides clinical services, because this allows the speech-language pathologist to provide ongoing immediate feedback. Direct supervision does not include reviewing a taped session at a later time;



(4) "Indirect supervision," the monitoring or review of any activity other than by direct observation and guidance, conducted by a speech-language pathologist, that may include methods such as demonstration, review of audio recordings, and videotape recordings, telephone communications, interactive conferences, and review of data and records;

(5) "Limited license," the license issued to a speech-language pathologist serving a population of birth to 21 years of age in an educational setting addressing disorders of communications;

~~(6) "Provisional license," the license issued to an applicant who is practicing speech-pathology while completing the supervised postgraduate professional experience following completion of a master's degree in speech-language pathology;~~

~~(7) "Speech-language pathologist," any person who engages in the practice of speech-language pathology and who meets the qualifications set forth in this chapter;~~

~~(8) "Speech-language pathology assistant," any person who assists in the practice of speech-language pathology and who meets the qualifications set forth in this chapter;~~

~~(9) "Telepractice," "telespeech," "telespeech-language pathology," or "telehealth," the application of telecommunication technology to deliver speech-language pathology at a distance for assessment, intervention, or consultation.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-1.

**20:79:01:02. Application forms.** ~~Applications shall be made on a form provided by the board. An application must be completed within one year from the date the application is received by the board or will be considered withdrawn.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:03. Information required.** ~~The board shall determine qualification for licensure based on information given on the application form and on any additional information the board considers necessary for clarification of submitted material. Any person seeking licensure must include with the application the following information:~~

~~(1) Type of biennial license;~~

~~(2) Name, mailing address, social security number, telephone number, and date of birth of applicant;~~

~~(3) Name of employer, address, telephone number, and past employment history, if applicable;~~

~~(4) If not ASHA certified, the name of current and postgraduate supervisor, license number, telephone number, and address;~~

~~(5) A copy of Department of Education speech language pathologist certificate (if applicable as a bachelors level speech language pathologist);~~

~~(6) Name and location of any college or university attended, including postgraduate (provide official transcripts of highest degree obtained);~~

~~(7) If not ASHA certified, record of supervised postgraduate professional experience;~~

~~(8) If not ASHA certified, signed releases of information for state boards and current and past supervisors and employers; and~~

~~(9) If not ASHA certified, evidence of passing the Praxis examination, if required. Repeal.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-14.

**Law Implemented:** SDCL 36-37-4, 36-37-12, 36-37-14, 36-37-15, 36-37-16, 36-37-17, 36-17-18.

**20:79:01:04. Notarization of application and transcripts.** Applications must be notarized. Applicants are responsible for having official college transcripts sent from the college to the board.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:05. Fees.** ~~Application fees for a biennial license shall be remitted to the board in the form of a cashier's check, personal check, certified check, or money order made payable to the South Dakota Board of Examiners for Speech Language Pathology. The board may not take any action on any application for license until the fee is received. Repeal.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:06. Fee schedule for applications.** The application fee for licensure is as follows:

- (1) Speech-language pathologist license, \$100;
- (2) Provisional license, \$100;
- (3) Limited license, \$100; and
- (4) Speech-language ~~pathologist~~ pathology assistant license, \$100.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:07. Fee schedule for licensure.** The licensure fee for a biennial license is as follows:

- (1) Speech-language pathologist license, \$150;



- (2) Provisional license, \$150;
- (3) Limited license, \$150; and
- (4) Speech-language ~~pathologist pathology~~ assistant license, \$100.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:08.** ~~No reimbursement before expiration of license. The board may not reimburse a licensee for any fees paid if the licensee applies for a different state license issued by the board prior to the expiration of the license presently held by the licensee. Repeal.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:09.** ~~No refund for license or application fee. The board may not refund license or application fees to licensees or applicants. All funds paid to the board are non-refundable.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:10.** ~~Certificates. Upon approval of licensure by the board, the board shall issue to the licensee a certificate or licensure and a license number for display. Repeal.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:11.** **Application disposition.** All applications and supporting papers submitted to the board become the property of the board.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:12.** ~~Verification of licensure for the public. The board shall supply verification of licensure status of any speech-language pathology service provider licensed by the board to any person or organization requesting it. Repeal.~~

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:01:13.** **Restrictions on a limited license to practice speech-language pathology.** The limited license will only be issued for the purpose of providing speech-language services as part of employment or contract with a public school or district, private school, or state department that provides educational services. A limited license may be renewed so long as speech-language services continue to be rendered in a public school or district, private school, or state department

that offers educational services and the renewal fee is paid. A person who holds a limited license may not perform non-medical endoscopy pursuant to SDCL 36-37-4 nor evaluate or treat swallowing functions.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-4, 36-37-6, 36-37-12.

**Law Implemented:** SDCL 36-37-4, 36-37-12.

**20:79:01:14. Term for a provisional license to practice speech-language pathology.** The provisional license is valid for a term of twenty-four (24) months from the date of issuance and may only be renewed one time.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-17.

**20:79:01:15 Mentorship of speech-language pathology provisional licensees.** A speech-language pathology provisional licensee must be mentored by a speech-language pathologist licensed pursuant to SDCL 36-37. A minimum of six hours of on-site and in-person direct observation and six hours of indirect observation must be completed during each segment of the mentored professional postgraduate experience, for a total of 18 hours of direct observation and 18 hours of indirect observation. Indirect observation includes reviewing diagnostic reports, treatment records, and treatment plans; monitoring participation in case conferences and professional meetings; and evaluations through consultation with colleagues, clients, or client families. If there is more than one mentor, the minimum requirements extend to each mentor, and they shall coordinate to collectively meet the minimum requirements of mentorship.

## **CHAPTER 20:79:02**

### **LICENSE EXPIRATION AND REQUIREMENTS FOR RENEWAL OF LICENSURE**

#### **Section**

20:79:02:01	License expiration.
20:79:02:02	License renewal.
20:79:02:03	License renewal fees.
20:79:02:04	Late fees.
20:79:02:05	Continuing education.
20:79:02:06	Proof of continuing education.
20:79:02:07	Reinstatement of expired license.

**20:79:02:01. License expiration.** All licenses issued by the board expire on the first day of October of the second year succeeding the issuance thereof. A license may be renewed upon the receipt of the renewal application and payment of the fee fixed by the board. An otherwise qualified person who submits a license renewal within 30 days after the expiration shall be granted a license renewal without a late fee.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.



**20:79:02:02. License renewal.** All licensees wishing to renew a license shall:

- (1) Pay the renewal fee;
- (2) Submit an application for renewal on a form prescribed by the board; and
- (3) Submit documentation of completion of the required continuing education requirements.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:02:03. License renewal fees.** Fees for biennial renewal of a license are as follows:

- (1) Speech-language pathologist, \$150;
- (2) Provisional license, \$150;
- (3) Limited license, \$150; and
- (4) Speech-language ~~pathologist~~ pathology assistant, \$100.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:02:04. Late fees.** Any person who submits a license renewal after 30 but within 180 days of expiration of the previous license must pay a late fee of \$50 in addition to the license renewal fee. Licensees who fail to renew the license within 180 days from the expiration of the previous license will be required to reapply for licensure and all applicable fees will apply.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:02:05. Continuing education.** All licensees must complete at least twenty contact hours or 2.0 units of continuing education for each two-year renewal period. One unit of ~~continued~~ continuing education is equal to ~~one credit hour~~ ten contact hours. One college credit course is equal to 15 contact hours or 1.5 units. Continued Continuing education may be completed through the American Speech-Language-Hearing Association, ASHA approved providers, or any formal education courses or presentations in which the objectives relate to the theory or clinical application of theory pertaining to the practice of speech-language pathology.

The board retains final authority for acceptance of any continuing education submissions by the licensee to meet the continuing education requirement for competency in the field of speech-language pathology. Other non-ASHA courses may be applicable and considered by the board.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:02:06. Proof of continuing education.** The following documentation of proof of continuing education must be submitted with the renewal application:

- (1) Certificate of attendance;



- (2) Official college transcript; or
- (3) ASHA CEU transcript.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:02:07. Reinstatement of expired license.** An applicant who fails to renew the license within 180 days, may have the license reinstated so long as the applicant:

- (1) Submits an application for licensure;
- (2) Provides documentation of completion of the required continuing education; and
- (3) Pays the application and licensure fee as set by the board.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

## CHAPTER 20:79:03

### DELIVERY OF TELEPRACTICE

#### Section

- 20:79:03:01 Provision of telepractice services.
- 20:79:03:02 Limits on telepractice.

**20:79:03:01. Provision of telepractice services.** The provision of speech-language pathology services in this state through telepractice is subject to state licensure requirements and regulation by the board.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-7, 36-37-12.

**20:79:03:02. Limits on telepractice.** All telepractitioners must abide by any statute or rule of this state governing the maintenance of client records and client confidentiality, regardless of the state where the records are maintained.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-7, 36-37-12.

## CHAPTER 20:79:04

### SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

#### Section

- 20:79:04:01 Responsibilities within the scope for speech-language pathology assistants.
- 20:79:04:02 Responsibilities outside the scope for speech-language pathology assistants.
- 20:79:04:03 Supervision of speech-language pathology assistants.

20:79:04:04 Record of supervision.  
20:79:04:05 Documentation required for supervision.  
20:79:04:06 License of supervisor.

**20:79:04:01. Responsibilities within the scope for speech-language pathology assistants.**  
A speech-language pathology assistant who has demonstrated competency may perform the following duties under direct supervision of a licensed speech-language pathologist:

(1) Administer and score speech, language, and hearing screenings tools, speech and language assessment tools, and speech and language progress monitoring tools without clinical interpretation;

(2) Assist with informal documentation such as notes for supervising speech-language pathologist to use, prepare materials, and assist with other duties as directed by the supervising speech-language pathologist;

(3) Follow Implement documented treatment care plans or protocols developed by the supervising speech-language pathologist;

(4) Provide direct client services through a variety of service delivery models to address treatment goals as developed by the supervising speech-language pathologist;

(4)(5) Document client performance ~~through tallying data for the SLP to use, by~~ preparing charts, records, and graphs and report ~~this the~~ information to the supervising speech-language pathologist;

(5)(6) Perform simple checks and maintenance on equipment;

(6)(7) Assist the supervising speech-language pathologist during assessment of clients; excluding ~~administration, and~~ interpretation;

(7)(8) Support the supervising speech-language pathologist in research projects, development of training materials, in-service training, and public relations programs;

(8)(9) Assist with scheduling, record keeping, and safety and maintenance of supplies and equipment;

(9)(10) Exhibit compliance with regulations, confidentiality policies, reimbursement requirements, and speech-language pathology assistant's job responsibilities as assigned by the supervising speech-language pathologist;

(10)(11) Program and provide instruction in the use of augmentative and alternative communication ~~devices services by developing low-tech augmentative and alternative communication materials, programming devices, and providing training and technical assistance in the use of devices, as directed by the supervising speech-language pathologist;~~

(11)(12) Demonstrate or share information with patient's client's families caregivers and staff regarding established feeding and swallowing plans strategies, without bolus as developed and directed by the speech-language pathologist; ~~and~~



~~(12)~~(13) Provide guidance and treatment via telepractice to ~~students, patients, and~~ clients who are selected by the supervising speech-language pathologist as appropriate for this service delivery model;

(14) Provide caregiver coaching for facilitation and carryover of skills; and

(15) Share objective information regarding client performance to clients, caregivers, and staff without interpretation or recommendation as directed by the supervising speech-language pathologist.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-18.

**20:79:04:02. Responsibilities outside the scope for speech-language pathology assistants.**  
A speech-language pathology assistant may not:

(1) Perform any activity that violates § 20:79:06:04;

(2) Represent himself or herself as a speech-language pathologist;

(3) ~~Administer or perform Interpret any standardized or nonstandardized diagnostic tests, formal or informal evaluations, swallow screenings checklist, or clinical interpretation of screening or test results;~~

(4) Administer or interpret feeding and swallowing screenings, checklists, or test results;

(5) Diagnose communication and/or feeding/swallowing disorders;

~~(4)~~(6) Perform procedures that require a high level of clinical acumen and technical skill, including vocal tract prosthesis shaping or fitting, vocal tract imaging and oral pharyngeal swallow therapy with bolus material;

~~(5) Tabulate or interpret results and observations of feeding and swallowing evaluations performed by speech-language pathologists~~

~~(6)~~(7) Participate in parent conferences, case conferences, or any interdisciplinary team without the presence or prior approval of the supervising speech-language pathologist or a designated licensed speech-language pathologist;

~~(7)~~(8) Develop, write or modify a ~~patient or~~ client's individualized treatment care plan in any way;

~~(8)~~(9) Provide client ~~or patient~~ counseling;

~~(9)~~(10) Provide interpretative information to the client, ~~family caregivers,~~ or ~~others staff~~ regarding the client status or service;

~~(10)~~(11) Sign or initial any formal document such as treatment plans, reports or reimbursement plans without co-signature of supervising speech-language pathologist;

~~(11)(12)~~ Assist ~~with~~ clients without following the individualized ~~treatment care~~ plan prepared by the speech-language pathologist or without access to supervision;

~~(12)(13)~~ Select clients for services or make determinations regarding eligibility or qualification for services;

~~(13)(14)~~ Discharge clients from services;

~~(14)(15)~~ Make referrals for additional services;

~~(15)(16)~~ Develop or determine the swallowing strategies or precautions for clients, ~~family caregivers~~, or staff;

~~(16)(17)~~ Treat medically fragile clients independently without 100% supervision; and

~~(17)(18)~~ Design or select augmentative and alternative communication systems or devices; and

~~(19)~~ Disclose clinical or confidential information orally or in writing to anyone who has not been approved by the speech language pathologist to receive information unless mandated by law.

Source: 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 36-37-12.

Law Implemented: SDCL 36-37-12, 36-37-18.

**20:79:04:03. Supervision of speech-language pathology assistants.** ~~During the first 90 workdays as a speech language pathology assistant, the supervising speech language pathologist shall provide supervision for at least 30 percent of the time each week, of which at least 20 percent must be direct supervision. During the first two weeks of working with a speech-language pathology assistant, the supervising speech-language pathologist shall observe the speech-language pathology assistant performing direct and indirect services and develop a written supervision plan. The plan must include:~~

- ~~(1) The date the plan was developed;~~
- ~~(2) An assessment of the speech-language pathology assistant's skills;~~
- ~~(3) The frequency, amount, and type of supervision to be provided to maintain the highest quality of services; and~~
- ~~(4) Signatures of the speech-language pathologist and the speech-language pathology assistant.~~

Written review of the plan must be completed at least annually, or more frequently based on the speech-language pathology assistant's skills, needs of the clients, setting, and any other factors identified by the speech-language pathologist. The speech-language pathologist and speech-language pathology assistant are jointly responsible for ensuring the plan is implemented as written and documenting all direct and indirect supervision activities.

The supervising speech-language pathologist shall initiate the first contact with every client and thereafter review data on every client seen by the speech-language pathology assistant weekly. In addition, the direct supervision shall be scheduled so that all clients seen by the assistant are directly supervised. Each client must receive direct contact with the speech-language pathologist at least one



session every two weeks. If there is more than one supervising speech-language pathologist, the supervision requirements extend to each supervisor, and they shall coordinate to collectively meet the minimum requirements of supervision.

~~After 90 workdays, the amount of supervision can be adjusted if the supervising speech-language pathologist determines the speech-language assistant has met appropriate competencies and skill levels with a variety of communication and related disorders.~~

Minimum ongoing supervision must always include documentation of direct supervision provided by the speech-language pathologist and direct client contact at least every 60 calendar days.

A minimum of one hour of direct supervision weekly for full-time speech-language ~~pathologist~~ pathology assistants and as much indirect supervision as needed to facilitate the delivery of quality services must be maintained. A minimum of two hours of direct supervision monthly for part-time speech-language pathologist assistants and as much indirect supervision as needed to facilitate the delivery of quality services must be maintained. 100% direct supervision must be provided for medically fragile clients for all speech-language pathology assistants. "Medically fragile" includes any client who is acutely ill and in an unstable health condition.

A speech-language pathology assistant may not perform any tasks when a supervising speech-language pathologist cannot be reached by personal contact. If a supervising speech-language pathologist is no longer available to provide appropriate supervision, the speech-language pathology assistant may not perform assigned tasks until a new supervisor, meeting the requirements of SDCL 36-37-20, has been designated. If the supervising speech-language pathologist changes, the new supervising speech-language pathologist shall work with the previous supervisor(s) to determine the appropriate supervision level based on the speech-language pathology assistant's knowledge, skills, experience, and demonstrated competency to develop a new supervision plan.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-18, 36-37-20.

**20:79:04:04. Record of supervision.** All supervision, both indirect and direct, must be documented by either the speech-language pathology assistant or the supervising speech-language pathologist and signed by both.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 37-37-20.

**20:79:04:05. Documentation required for supervision.** The speech-language ~~pathologist~~ pathology assistant shall submit a notarized form prescribed by the board signed by both parties to the board before the speech-language pathology assistant practices, explicitly indicating that the supervisor agrees to supervise the assistant and that the supervisor accepts full and complete responsibility for that assistant's professional practice.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-17-18, 36-37-20.

**20:79:04:06. License of supervisor.** A supervising speech-language pathologist must have a valid South Dakota license in good standing, as a speech-language pathologist.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-20.

## CHAPTER 20:79:05

### PROCEDURE FOR SUSPENSION AND REVOCATION OF LICENSURE

#### Section

- 20:79:05:01 Review by the board. Repeal.
- 20:79:05:02 Initiation of suspension or revocation of licensure. Repeal.
- 20:79:05:03 Multiple respondents.
- 20:79:05:04 Information file.
- 20:79:05:05 Proceedings to conform to administrative procedures.
- 20:79:05:06 Appeal from board rulings or decisions.

**20:79:05:01. Review by the board.** ~~The board shall review alleged violations requiring disciplinary action in such a manner as the board, in its discretion, deems necessary and proper.~~ Repeal.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12, 36-37-21.

**Law Implemented:** SDCL 36-37-12, 36-37-21, 36-37-23.

**20:79:05:02. Initiation of suspension or revocation of licensure.** ~~The board may initiate proceedings for suspension or revocation of a license when the board has information that any person may have been guilty of any misconduct as provided in SDCL 36-37-23 or is guilty of incompetence or unprofessional or dishonorable conduct.~~ Repeal.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12, 36-37-21.

**Law Implemented:** SDCL 36-37-12, 36-37-21, 36-37-23.

**20:79:05:03. Multiple respondents.** The board will not accept a complaint against more than one licensee. A complainant must file a separate complaint for each individual who is a subject of the complaint.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:05:04. Information file.** The board shall keep an information file on each complaint filed with the board. The information in each complaint file shall contain complete, current, and accurate information regarding the complaint and final action taken.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.



**Law Implemented:** SDCL 36-37-12.

**20:79:05:05. Proceedings to conform to administrative procedures.** All proceedings relative to the suspension or revocation of a license shall otherwise conform to the procedure set forth in chapter 1-26 and 36-1C.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-21, 36-37-22, 36-37-23, 36-37-24, 36-37-25.

**20:79:05:06. Appeal from board rulings or decisions.** Any party feeling aggrieved by any acts, ruling or decision of the board relating to the refusal to grant, suspend or revoke a license shall have the right to appeal pursuant to chapter 1-26.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-21, 36-37-22, 36-37-23, 36-37-24, 36-37-25.

## **CHAPTER 20:79:06**

### **SCHEDULE OF DISCIPLINARY ACTIONS.**

- 20:79:06:01     Disciplinary actions. Repeal.
- 20:79:06:02     Determination of appropriate disciplinary action.
- 20:79:06:03     Additional information.
- 20:79:06:04     Rules of professional conduct.

**20:79:06:01. Disciplinary actions.** ~~The board may institute disciplinary actions for any violation of law or rule.~~ Repeal.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-21, 36-37-22, 36-37-23, 36-37-24.

**20:79:06:02. Determination of appropriate disciplinary action.** The board will determine the appropriate disciplinary action according to the following factors:

- (1) Seriousness of the violation, including the harm caused or the risk posed to the health and welfare of the person or public;
- (2) Previous compliance history;
- (3) The severity level necessary to deter future violations;
- (4) Efforts to correct or mitigate the previous violation; and
- (5) Any other circumstances determined by the board.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12, 36-37-21, 36-37-22, 36-37-23, 36-37-24, 36-37-25

**20:79:06:03. Additional information.** It is the responsibility of the licensee to bring additional information or extenuating factors to the attention of the board.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**20:79:06:04. Rules of professional conduct.** Any licensee or applicant for licensure shall abide by the American Speech-Language-Hearing Association Code of Ethics, ~~2010~~ 2023.

**Source:** 39 SDR 220, effective June 27, 2013.

**General Authority:** SDCL 36-37-12.

**Law Implemented:** SDCL 36-37-12.

**Reference:** American Speech-Language-Hearing Association ~~(2010)~~ (2023). *Code of Ethics* [Ethics]. Copies may be obtained from <http://www.asha.org/policy/ET2010-00309/#sect.1>  
<https://www.asha.org/siteassets/publications/code-of-ethics-2023.pdf>.